From: California Law360
To: Gorwood, Kathy
Subject: Punk Rock Ob-Gyn Gives Juror CPR, Gets Med Mal Mistrial
Date: Wednesday, March 28, 2018 12:30:35 AM

Law360 California

CALIFORNIA

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Wednesday, March 28, 2018

TOP NEWS

Punk Rock Ob-Gyn Gives Juror CPR, Gets Med Mal Mistrial

Facing the first day of a medical malpractice trial on Tuesday, a San Jose obstetrician-gynecologist who once drummed for The Offspring proved his punk rock bona fides rushing to the aid of a prospective juror in cardiac arrest, delivering CPR but forcing a mistrial over concerns his medical heroics could bias jurors in his favor. Read more »

Ex-Drinker Biddle Atty Can't Revive $30M Firing Suit

A California appeals court Tuesday said a lower court rightly tossed libel and other claims brought by a former Drinker Biddle & Reath LLP associate against four firm partners in her $30 million wrongful firing suit, saying they didn't ruin her shot at another job. Read more »

Uber To Settle Gender And Race Unequal Pay Suit For $10M

Uber Technologies Inc. agreed Monday to pay $10 million and make changes to its systems for evaluating workers to end a proposed class action in California federal court brought by female software engineers and engineers of color who claim they haven't been paid equally by the ride-hailing company. Read more »

In-N-Out Seeks Restraining Order Against YouTube Prankster

In-N-Out Burger is suing a Los Angeles man with a social media following who the company said twice tried to pass himself off as the fast-food restaurant's CEO making a surprise visit, harassing employees and throwing a burger on the ground, all while covertly filming the incidents. Read more »

Google Slips Suit Claiming YouTube Censors Conservatives

Google won out of allegations that YouTube illegally stifles free speech by censoring politically conservative videos Monday, as a California federal judge found a suit brought by nonprofit digit media company Prager University failed to establish the website as a public forum subject to the First Amendment. Read more »

Analysis

Attys Divided Over Prospects Of Facebook Shareholder Suits

Legal experts are divided on the crux of an argument at the heart of Facebook's plunging stock price and an array of legal challenges confronting the social media giant, including at least two proposed securities class action suits — whether Facebook users who share their lives online have a legal expectation of privacy. Read more »

POLICY & REGULATION

Calif. Sues Administration Over Census Citizenship Question

The U.S. Department of Commerce announced late Monday that it will

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Browne George
Buchalter PC
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Cooley
Cotchett Pitre
Cravath Swaine
DLA Piper
Dentons
DiCaro Coppo
Drinker Biddle
Farrell Fritz
Ferguson Case
Ganfer & Shore
Gianelli & Morris
Gibson Dunn
Hagens Berman
Hathaway Perrett
Hinshaw Marsh
Hochman Salkin

reinstate a question on citizenship status in the 2020 census, inciting a legal challenge from the state of California arguing that it will cripple response rates. Read more »

REAL ESTATE & DEVELOPMENT

Short-Term Rental Ban Isn't HOA's Purview, Calif. Panel Says

A California appeals court held in a Tuesday published opinion that a lower court should have blocked a homeowners association's ban on short-term rentals in a beach community, saying Golden State law leaves it up to the city and the state Coastal Commission to decide whether to impose such a restriction. Read more »

ENERGY & ENVIRONMENTAL

Energy Cos. Urge Delay On Remand Of Calif. Climate Suits

Chevron Corp., Exxon Mobil Corp. and others on Monday urged a California federal judge to hold off on sending three municipalities' climate change tort suits back to state court, arguing that the court should wait for a Ninth Circuit decision that will settle questions concerning jurisdiction. Read more »

Feds Dragging Feet On Calif. River Protections, Enviros Say

The Center for Biological Diversity sued the U.S. Bureau of Land Management and U.S. Forest Service in California federal court on Tuesday, seeking to force them to prepare "long overdue" plans for protecting eight rivers there. Read more »

INSURANCE

UnitedHealth Says Beneficiaries Can't Tie It To Claim Denials

UnitedHealth Group Inc. told a California federal judge Monday that cases its subsidiaries' beneficiaries cited to argue that the billion-dollar company shares the blame for allegedly improper denials of prosthetic devices actually prop up the parent company's case for exiting the Employee Retirement Income Security Act suit. Read more »

PRODUCT LIABILITY

Apple Escapes False Ad Suit Over Devices' Storage Capacity

A California federal judge dismissed a proposed consumer class action alleging Apple Inc. falsely advertised the storage capacity of the company's ubiquitous devices, ruling Tuesday the customers hadn't been specific about which of the company's statements had misled them. Read more »

PERSONAL INJURY & MEDICAL MALPRACTICE

Calif. Court Affirms Denial Of Doc's Hospital Privileges

A California appeals court on Tuesday denied a doctor's attempt to regain hospital practicing privileges that had been denied to him by the medical facility's board members, as the court found there was enough impropriety in the doctor's history to justify the hospital's concerns. Read more »

INTELLECTUAL PROPERTY

Sharper Image Owner Ordered By Judge To Ax PTAB Petitions

A California federal judge has ordered the company that owns the Sharper Image brand to withdraw inter partes review petitions it filed challenging patents on virtual reality accessories it is accused of infringing, finding that the petitions are barred by a license agreement. Read more »

EMPLOYMENT

Uber Workers' Comp Settlement Moves Past Roadblock

Hogan Lovells
Holzer & Holzer LLC
Keker Van Nest & Peters
Korein Tillery
Law Office of William Portanova
Littler Mendelson
Loeb & Loeb
Morgan Lewis
Orrick Herrington
Outten & Golden
Paul Hastings
Pearson Simon
Pomerantz LLP
Proskauer Rose
Reed Smith
Renner Otto
Robbins Geller
Sam P. Israel PC
Simpson Thacher
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Vorys Sater
Wilson Sonsini

COMPANIES

AT&T Inc.
Adobe Systems Incorporated
Amazon.com Inc.
American Bar Association
American Civil Liberties Union
Anthem Inc.
Aon Corporation
Apple Inc.
Association of Corporate Counsel
Autonomy Corp.
Bank of America Corporation
Berkshire Hathaway Inc.
Blue Apron Inc.
CITGO Petroleum Corp.
Center for Biological Diversity Inc.
Chevron Corporation
Chicago Bears
Cornerstone Research Inc.
Deloitte Touche
Deutsche Bank AG
Expedia Inc.
Exxon Mobil Corporation
FEI Company
Facebook
Foxconn
Google Inc.
HomeAway Inc.
In-N-Out Burgers Inc.
Kansas City Royals
LinkedIn Corp.

Uber Technologies Inc. inched closer to ending putative class claims over its failure to provide workers' compensation with a deal offering drivers occupational accident insurance when a California state judge on Tuesday ruled that revised insurance contract terms are clear and class notice is ready to be sent. Read more »

9th Circ. Calls For Input On Minor League Wage Exemption

The Ninth Circuit on Monday asked minor league baseball players and Major League Baseball to weigh in on new legislation that exempts the players from federal wage-and-hour requirements amid an ongoing labor dispute. Read more »

Calif. Food Service Co. Will Pay $4.2M To End Pay Suit

A class of service technicians that handle equipment for a division of ITW Food Equipment Group asked a California federal court to initially approve a $4.2 million settlement in a suit alleging the company did not adequately pay its technicians. Read more »

SECURITIES & WHITE COLLAR

Autonomy CFO Misled Auditors Before $11B HP Buy, Jury Told

A former Deloitte auditor told a California federal jury Tuesday that Autonomy's ex-chief financial officer failed to disclose details that would have given her a clearer picture of the British software company's financial health as she compiled audit reports in the years before its $11 billion acquisition by Hewlett-Packard Co. Read more »

Feds Mistreating Yacht Linked To 1MDB Scheme, Court Hears

Attorneys seeking to protect a $250 million yacht linked to the the 1Malaysia Development Bhd. embezzlement scandal criticized the federal government Monday for allegedly orchestrating "a theatrical seizure" of the luxury vessel and cutting corners on its care. Read more »

Korean Scientist Says Jury Not Briefed On US Bribery Law

A former earthquake researcher for the Korean government on Monday asked the Ninth Circuit to reverse his conviction for laundering bribery proceeds from a U.S. company, arguing that the judge failed to instruct the jury under U.S. bribery law and instead briefed them on a "watered-down" version of Korean law. Read more »

SEC Inks $32M In Deals In Real Estate Fund Fraud Dispute

A California federal judge signed off Monday on roughly $32 million in settlements resolving a U.S. Securities and Exchange Commission suit alleging that a father-son-uncle trio and their investment advisory business ripped off investors in an Alaskan real estate investment fund. Read more »

COMPETITION

Qualcomm Can Hold Back Full EU Decision In Antitrust Row

A California federal judge on Monday said Qualcomm Inc. does not have to turn over an unredacted version of the European Commission decision leveling it with a massive fine for abuse of dominance, as the chipmaker fights multidistrict litigation over its patent licensing practices. Read more »

BANKRUPTCY

Relativity Cofounder Says Ch. 11 Plan Blocks Fraud Suit

Relativity Media LLC's cofounder asked a court on Tuesday to put the brakes on California state court claims that he committed fraud to get a $2 million loan before the company went bankrupt, telling a New York bankruptcy judge that the company's 2016 bankruptcy plan bars these kinds of claims. Read more »

Major League Baseball Inc.
Major Lindsey & Africa
Marathon Petroleum Corp.
Microsoft Corporation
NFL Enterprises LLC
National Hockey League
Netflix Inc.
Phillips 66
QUALCOMM Incorporated
Relativity Media LLC
Riverbed Technology, Inc.
Roku Inc.
Samsung Electronics Co. Ltd.
Stitch Fix Inc.
Synopsys Inc.
TSIC Inc.
Thermo Fisher Scientific Inc.
Thoma Bravo LLC
Twitter Inc.
Uber Technologies Inc.
UnitedHealth Group Inc.
YouTube Inc.

GOVERNMENT AGENCIES

Bureau of Land Management
California Department of Justice
Delaware Court of Chancery
Department of Commerce
European Commission
European Union
Federal Trade Commission
Internal Revenue Service
Securities and Exchange Commission
U.S. Census Bureau
U.S. Department of Justice
U.S. Department of the Treasury
U.S. Forest Service
U.S. House of Representatives
U.S. Immigration and Customs Enforcement
U.S. Office of Government Ethics
U.S. Senate
U.S. Sentencing Commission
U.S. Supreme Court
United States Bankruptcy Court for the Southern District of New York

DEALS

Foxconn To Pay $866M For Belkin In Push For Smart Market

A subsidiary of the Taiwanese multinational company Hon Hai Precision Industry Co. Ltd. has agreed to acquire California-based consumer electronics company Belkin International Inc. for $866 million, the companies said Tuesday. Read more »

TAX

IRS Nominee Rettig Discloses $1.1M In Salary, Names Clients

Charles Rettig, President Donald Trump's nominee for IRS commissioner, said he received more than $1.1 million in salary from his law firm and disclosed other sources of employment income and assets from companies including Berkshire Hathaway Inc., AT&T Inc. and Exxon Mobil Corp. in a financial report shared with Law360 on Tuesday. Read more »

IMMIGRATION

State AGs Back Fed. Suit Over California Immigration Laws

A group of attorneys general and governors from 18 states on Monday voiced their support for a federal government lawsuit targeting statutes in California that allegedly obstruct federal immigration law enforcement, adding that the Golden State's laws are also preempted under U.S. Supreme Court precedent. Read more »

Immigration Bill Roundup: Child Custody, Census Questions

Members of the 115th Congress have introduced bills that would protect the rights of immigrants in child custody issues and bar citizenship questions from U.S. Census forms. Read more »

PEOPLE

DLA Piper Hires White Collar Partner From Alston & Bird

DLA Piper has hired an Alston & Bird LLP partner who's defended against white collar claims and counseled technology clients in the media, sports and education industries on government probes regarding cybersecurity, consumer protection, antitrust and health care regulations, DLA Piper said Monday. Read more »

Cooley Snags Technology Transactions Partner

Cooley LLP has added a new partner to its technology transactions group in Palo Alto, California, from Wilson Sonsini Goodrich & Rosati PC, the firm announced on Tuesday. Read more »

EXPERT ANALYSIS

Changes For Youth Football In California And Beyond

Two California legislators recently announced a bill designed to prevent brain injuries during youth football games by restricting tackle football programs to the high school level. Organizations with youth football programs should anticipate that jurisdictions throughout the country will begin advancing similar restrictions, say Anne Marie Ellis and Paul Alarcon of Buchalter PC. Read more »

Series

After Cyan: Potential Trends In Section 11 Litigation

The U.S. Supreme Court's clear signal in Cyan v. Beaver County that Section 11 claims filed in state court can remain in state court causes the litigation chess game to evolve to a new phase. A reasonable hypothesis is that Section 11 filings in state court will increase nationwide and not just in California, say members of Stanford Law School and Cornerstone Research. Read more »

Equity Partnership Isn't What It Used To Be

To many young attorneys, becoming an equity partner shows a firm's long-term commitment, meaning job security and a voice in important firm matters. However, the industry has changed and nowadays it may not be better to enter a new firm as an equity partner, says Jeffrey Liebster of Major Lindsey & Africa. Read more »

LEGAL INDUSTRY

Feature

What Law Firms Stand To Lose In The #MeToo Era

There is a reckoning coming for firms that continue to sweep sexual misconduct under the rug, experts say. Editor's note: final of a three-part series. Read more »

Supreme Court Resistant To New Way To Read 4-1-4 Rulings

The U.S. Supreme Court acknowledged Tuesday that there's no great way to read its fractured rulings that lack a clear majority opinion, but suggested that one litigant's proposal to solve the problem would result in "chaos" and throw the justices out of whack. Read more »

Partner Pay Gaps At Dentons, Clifford Chance Average 25%

Female partners at two U.K. global law firms are paid on average approximately 25 percent less than their male counterparts, according to gender pay gap reports released by the firms Tuesday. Read more »

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Shook, Hardy & Bacon LLP
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